

A G E N D A

OCONEE COUNTY COUNCIL MEETING

TUESDAY, JULY 21, 1998

3:00 PM

**415 SOUTH PINE STREET
WALHALLA, SC**

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Consideration of Request to Apply for Grant for Sewer Line for proposed Industry - Mr. Robert Wiunchester, Superintendent, Sewer Commission & Mr. Robert Gaillard, Economic Development Director
5. Consideration of Request for Matching Funds for Local Law Enforcement Block Grant Program - Steve Priutt, Chief Deputy
6. Third & Final Reading of Ordinance 98-5, "AN ORDINANCE TO REGULATE SEXUALLY ORIENTED BUSINESSES WITHIN THE UNINCORPORATED AREAS OF OCONEE COUNTY"
7. Second Reading of Ordinance 98-7, "AN ORDINANCE TO AMEND ORDINANCE 85-2, OCONEE COUNTY MANUAL OF CENTRALIZED PURCHASING"
8. First Reading of Ordinance 98-8, "OCONEE COUNTY ANIMAL CONTROL ACT, ADDING TO AND AMENDING CERTAIN SECTIONS OF ANIMAL CONTROL ORDINANCES 87-8 AND 88-4" in title only
9. Discussion Regarding Newry Situation - Mr. Harry R. Hamilton, Council Member
10. Consideration of Bids for Rubber Tire Wheel Loader - Mr. Jack Hirst, Solid Waste Director & Ms. Marianne Dillard, Purchasing Agent
11. Consideration of Bids for Recapping of Tires - Mr. Lee Davis, Motor Pool Foreman & Ms. Marianne Dillard, Purchasing Agent
12. Consideration of First Reading of Ordinance 98-9, "AN ORDINANCE AMENDING ORDINANCE 86-5, AN ORDINANCE GRANTING FRANCHISE TO FOOTHILLS CABLE TV, ITS SUCCESSORS AND ASSIGNS, TO OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE COUNTY SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR THE COUNTY REGULATION AND USE OF THE COMMUNITY ANTENNA SYSTEM; AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE

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FRANCHISE PROVISIONS (NAME CHANGED TO CROWN CABLE, NAME CHANGED TO CHARTER CABLE IN 1995)" in title only

13. Consideration of Approval of Resolution 98-11, "A RESOLUTION CERTIFYING THAT OCONEE COUNTY IS A PUBLIC AGENCY AS DEFINED BY THE FEDERAL PROPERTY MANAGEMENT REGULATIONS 101-44.10, OR UNDER SECTION 501 OF THE US INTERNAL REVENUE CODE OF 1954
14. Old Business
15. New Business
16. Adjourn

Prior to the Council Meeting at 3:00 pm, there will be an open meeting at 2:30 pm in Council Chambers, 415 South Pine Street, Walhalla, SC for the public to express their concerns to Council. Anyone wishing to speak must sign in and give the subject on which they wish to speak.

There will be an announcement regarding the Fairplay Post Office in Council Chambers at 1:30 pm.

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Tim O. Hall, District I Mr. J. Harold Thomas, District II
Mr. Harry R. Hamilton, District III Mrs. Ann H. Hughes, District III
Mr. Charles R. "Chuck" Timms, District V

MINUTES, OCONEE COUNTY COUNCIL MEETING

The regular meeting of the Oconee County Council was held Tuesday, July 21, 1998 at 3:00 pm in Council Chambers with all Council Members present (Mrs. Hughes came in at 3:30 pm). The County Attorney was also present for the meeting.

Press:

Members of the press notified (by mail): Journal/Tribune, Keowee Courier, Westminster News, Anderson Independent, Greenville News, WGOG Radio, WSNW Radio, WCCP Radio, WPEK Radio, The Times Upstate, Northland Cablevision, WYFF TV, WSPA TV & WLOS TV.

Members of the press present: Dick Mangrum – WGOG Radio, Brian Fulkerson – Journal/Tribune, Ashton Hester – Keowee Courier & Brian Suber – Anderson Independent.

Call to Order:

The meeting was called to order by Supervisor-Chairman Orr who welcomed the guests and media.

Invocation:

The invocation was given by Rev. Ron Whitehead.

US Postal Service:

Ms. Opal Elders of the US Postal Service announced that a new post office would be constructed in Fairplay, the new building will have 4,000 square feet and they are currently looking for a tract of land for the post office.

Minutes:

Mr. Hamilton made a motion, seconded by Mr. Thomas, approved 4 – 0 (Mrs. Hughes not present at this time) that the minutes of the July 7, 1998 meeting be adopted as printed.

Sewer Line Grant:

Upon request of Mr. Robert Winchester, Sewer Commission Superintendent, & Mr. Robert Gaillard, Economic Development Director, Mr. Timms made a motion, seconded by Mr. Hall, approved 4 – 0 (Mrs. Hughes not present at this time) that the county apply for a grant for a sewer line for a proposed distribution center for building supplies that is planning to locate in the county. This is a non-matching grant.

Greenfield Industries:

Further, upon request of Mr. Gaillard, Mr. Timms made a motion, seconded by Mr. Hamilton, approved 4 – 0 (Mrs. Hughes not present at this time) that the county seek a Department of Commerce Coordinating Council Grant on behalf of Greenfield Industries for the construction of a turning lane.

Local Law Enforcement Block Grant:

Upon request of Chief Deputy Steve Pruitt, Mr. Thomas made a motion, seconded by Mr. Hamilton, approved 4 – 0 that \$5,204 be taken from contingency and placed in line item 13 004 00170 04172 as the local match for a US Department of Justice, Bureau of Justice Assistance grant. (See attachment)

Ordinance 98-5:

Mr. Hall made a motion, seconded by Mr. Thomas that Ordinance 98-5, “AN ORDINANCE TO REGULATE SEXUALLY ORIENTED BUSINESSES WITHIN THE UNINCORPORATED AREAS OF OCONEE COUNTY” be adopted on third and final reading.

Upon recommendation of Mr. Cain, County Attorney, Mr. Hamilton made a motion, seconded by Mr. Thomas, approved 4 – 0 (Mrs. Hughes not present at this time) that the ordinance be amended to repeal Ordinance 96-8, “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA, PROHIBITING PUBLIC NUDITY; DEFINING TERMS; ESTABLISHING EXEMPTIONS TO THE PROHIBITION AGAINST PUBLIC NUDITY; PROVIDING AN EFFECTIVE DATE AND OTHER MATTERS RELATING THERETO” as this ordinance was struck down by the State Supreme Court and Section 240.04 Inspection A. be changed from “An applicant or Permit holder shall permit representatives of the Oconee County Sheriff’s Department, the South Carolina Department of Health and Environmental Control, local Fire Department, the Oconee County Supervisor’s Office, the Oconee County Attorney’s

Office to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time the building is occupied and open for business" to Minutes, Oconee County Council Meeting
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read "An applicant or Permit holder shall permit representatives of the Oconee County Sheriff's Department, the South Carolina Department of Health and Environmental Control, local Fire Department, the Oconee County Supervisor's Office, the Oconee County Attorney's Officer and the Oconee County Building Official's office to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time the building is occupied and open for business."

Ordinance 98-5 (Titled Above) was then adopted 4 – 0 (Mrs. Hughes not present at this time).

Ordinance 98-7:

Mr. Thomas made a motion, seconded by Mr. Hall, approved 4 – 0 (Mrs. Hughes not present at this time) that Ordinance 98-7, "AN ORDINANCE TO AMEND ORDINANCE 85-2, OCONEE COUNTY MANUAL OF CENTRALIZED PURCHASING" be adopted on second reading.

Ordinance 98-8:

Mr. Hamilton, Chairman, Law Enforcement, Safety, Health, Welfare & Services Committee, informed Council it was the recommendation of the committee that Ordinance 98-8, "OCONEE COUNTY ANIMAL CONTROL ACT, ADDING TO AND AMENDING CERTAIN SECTIONS OF ANIMAL CONTROL ORDINANCES 87-7 & 88-4" be adopted on first reading. This recommendation was adopted 5 – 0.

Rev. Ron Whitehead addressed Council regarding the Animal Control Ordinance stating that animal control was under the jurisdiction of the Sheriff's Department in the county in which he served as Sheriff in California and it worked well under the jurisdiction of the Sheriff. He further informed Council he would be happy to meet with the Law Enforcement Committee to further discuss our proposed ordinance.

Newry Situation:

Mr. Hamilton addressed Council regarding the Newry water and sewer problem. The courts appointed a company to operate the system and there were no improvements in the system at this time. It was Mr. Hamilton's suggestion that a committee be appointed to study the matter and make recommendations regarding grants to improve the water and sewer system.

Mr. Cain, County Attorney, cautioned Council Members regarding any action they might take on this matter as they might face it again if there was court action regarding the matter.

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Newry Discussion Continued:

After a general discussion, Mr. Hamilton made a motion, seconded by Mr. Hall, approved 5 – 0 that a committee comprised of the following members be appointed to study this matter:

A City of Seneca Representative
A Sewer Commission Representative
Mike White, Corinth-Shiloh Fire Department
Council Member Tim Hall
Representative Bill Sandifer
Two Newry residents – Sybil Reese & Reg Oliver

Mr. Hall also asked that Mr. Hamilton also serve as a member of this committee.

Mr. Dirk Reis of the SC Appalachian Council of Governments informed Council that he would be happy to work with this committee.

Recap Tire Bid:

Upon recommendation of Mr. Lee Davis, Motor Pool Foreman, & Ms. Marianne Dillard, Purchasing Agent, Mr. Timms made a motion, seconded by Mr. Thomas, approved 5 – 0 that the bid for recapping of tires be awarded to Watson Tires & Treds, Inc. who was low bid at \$10,561. (See attached bid sheet)

Resolution 98-11:

Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Resolution 98-11, "A RESOLUTION CERTIFYING THAT OCONEE COUNTY IS A PUBLIC AGENCY AS DEFINED BY THE FEDERAL PROPERTY MANAGEMENT REGULATIONS 101-44.10 OR UNDER SECTION 501 OF THE US INTERNAL REVENUE CODE OF 1954" be adopted on first and final reading.

Gun Club Site:

Council requested that the County correspond with Congressman Lindsay Graham regarding an alternate site for the gun club that is presently located in the Ebenezer Community.

Subdivision Signs:

Mr. Thomas informed Council that the county is in the process of getting bids on signs to inform citizens and potential buyers that the roadways in subdivisions that do not meet county specifications and are not turned over to the county for maintenance.

Heritage Corridor:

Mr. Timms informed Council there would be a Welcome Center across from Table Rock Park, which is scheduled to open October 1, 1998.

Updates:

Mr. Caime, County Engineer, updated Council on the airport projects, the transfer station, the new motor pool and various road projects.

Town Meetings:

Mr. Thomas informed Council he would like to have town meetings in August at West-Oak High School, in September at Seneca High School, in October at Salem and another meeting at Walhalla High School with a representative from the SC Appalachian Council of Governments and a representative from the SC Association of Counties to come and explain the Council-Supervisor form of government and the Council-Administrator form of government to the people.

Arts & Historical Appt.:

Mr. Hall made a motion, seconded by Mr. Hamilton, approved 5 – 0 that Mr. Bob Lipscomb be appointed to represent District I on the Arts & Historical Commission with his term commencing immediately and expiring December 31, 1999 as he is filling an expired term.

Resolution 98-12:

Mr. Thomas made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Resolution 98-12, "A RESOLUTION CALLING FOR A REFERENDUM REGARDING THE FORM OF GOVERNMENT IN OCONEE OCUNTY" be adopted on first and final reading.

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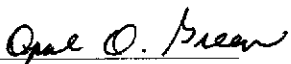
Town Meetings:

It was the consensus of Council that the town meetings regarding the form of government be held on the third Thursdays at 7:00 pm.

Adjourn:

Adjourn: 4:40 pm

Submitted By:


Opal O. Green
Council Clerk



OCONEE COUNTY SHERIFF'S DEPT.

208 BOOKER DRIVE, COUNTY MAILROOM
WALHALLA, SOUTH CAROLINA 29691

JAMES SINGLETON, SHERIFF

TO : SUPERVISOR AND COUNTY COUNCIL MEMBERS

DATE: JULY 21, 1998

RE : LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM

GRANTOR: U. S. Department of Justice, Bureau of Justice Assistance (BJA)

PROGRAM PURPOSE: To assist local law enforcement in seven areas, including procuring equipment, technology, and other material directly related to basic law enforcement functions; enhancing security measures in and around schools, and in and around any other facility or location that the unit of local government considers a special risk for incidents of crime; establishing crime prevention programs involving cooperation between community residents and law enforcement personnel to control, detect, or investigate crime or the prosecution of criminals.

GOAL: To reduce crime and improve public safety.

FUNDING: The award amount is based on our average annual amount of Part One violent crimes compared to all other jurisdictions in the State for the three most recent calendar years. The deadline for submission of the application is July 31, 1998.

Direct award from BJA (90%)	\$46,832
Local match required in cash (10%)	<u>5,204</u>
Total	\$52,036

PROHIBITIONS: Federal funds cannot be used to supplant State or local funds, but instead must be used to increase the amount of funds that would be available otherwise from state and local sources.

REQUIREMENTS: (1) Oconee County must make a commitment to provide matching funds prior to submitting the application. (2) The county must establish a trust fund to deposit all Federal payments received under the Block Grants Program. (3) Prior to the obligation of any funds received, the Sheriff's Department must establish or designate an advisory board to make non-binding recommendations for the use of funds received under the program. (4) At least one public hearing must be held regarding the proposed use of Block Grant funds prior to the obligation of any funds received.

AWARD PERIOD: Oconee County must obligate and expend Block Grant funds and any interest deriving therefrom within 24 months of the date of the initial payment.

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE)AN ORDINANCE TO REGULATE
SEXUALLY ORIENTED BUSINESSES
WITHIN THE UNINCORPORATED
AREAS OF OCONEE COUNTY

Article I:	Preamble
100	- Purpose and Intent
110	- Findings of Fact
Article II:	Permitting Requirements for the Establishment of Sexually Oriented Businesses Within the Unincorporated Areas of Oconee County
200	- Purpose and Intent
210	- Enabling Authority
220	- Permit Requirements
230	- Issuance of Sexually Oriented Business Permit
240	- Administration and Display of Sexually Oriented Business Permits
250	- Annals of Operation as a Sexually Oriented Business, Denial of a Sexually Oriented Business Permit, Suspension or Revocation of a Sexually Oriented Business Permit
260	- Transfer of a Sexually Oriented Business Permit
270	- Permit Requirements of Sexually Oriented Businesses Operating at the Time This Ordinance is Adopted
Article III:	Location of Sexually Oriented Businesses
300	- Purpose and Intent
310	- Enabling Authority
320	- Consistency With Comprehensive Plan
330	- Applicability
340	- Locational Requirements
350	- Sexually Oriented Businesses as a Nonconforming Use
Article IV:	Enforcement
400	- Penalties - Injunction
410	- Ordinance Validity
420	- Preservation of Constitutional Rights
430	- Oconee County Board of Appeals
Article V:	Definitions
Article VI:	Legal Status Provisions
600	- Enactment
610	- Scope
620	- Severability

**AN ORDINANCE TO REGULATE
SEXUALLY ORIENTED BUSINESSES
WITHIN THE UNINCORPORATED
AREAS OF OCONEE COUNTY**

ARTICLE I: PREAMBLE

900 Purpose and Intent

It is the purpose of this ordinance to repeal Oconee County Ordinance 96-8 and regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Oconee County, and to establish reasonable and uniform regulations to prevent the deleterious locating and concentration of sexually oriented businesses within the County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented material. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented materials or expressions that are protected by the First Amendment to the Constitution of the United States of America, or to deny access by the distributor and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this ordinance to condone or legitimize any act which is otherwise prohibited and punishable by law.

110 Findings of Fact

110.01 There exists potential for the establishment of sexually oriented businesses in Oconee County and it is in the interest of the public health, safety, and welfare, of the citizens of Oconee County to provide for minimum standards and regulations for sexually oriented businesses, as well as for the health, safety, and general welfare of the owners, operators, employees, and patrons of such businesses.

110.02 Sexually oriented businesses generate secondary effects which are detrimental to the public health, safety, and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution, and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to residences, schools, churches, parks, or playgrounds.

110.03 The concern over sexually transmitted diseases is an additional legitimate concern for the County, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well being of citizens.

110.04 Live entertainment at sexually oriented businesses sometimes involves a considerable amount of bodily contact between patrons and semi-nude or nude employees and dancers, including physical contact such as hugging, kissing, and sexual fondling of employees or patrons. Many sexually oriented businesses have "couch" or "straddle" dancing, in which employees do such things as sit in a

**ARTICLE II: PERMITTING REQUIREMENTS
FOR THE ESTABLISHMENT OF SEXUALLY
ORIENTED BUSINESSES WITHIN THE
UNINCORPORATED AREAS OF OCOREE COUNTY**

200 Purpose and Intent

It is the purpose and intent of this article to establish a permit requirement for sexually oriented businesses that will ensure that these businesses are operated in a manner that is in full compliance with all applicable laws of the United States of America, the State of South Carolina, and Oconee County. The purpose is also to ensure that these businesses are operated in a manner that minimizes adverse impacts on the community and that does not pose a threat to the public health, safety, and general welfare. Further, the purpose is to provide Oconee County with a reasonable and legitimate mechanism for enforcing applicable laws.

210 Enabling Authority

Article II of this ordinance is adopted by Oconee County Council in accordance with Title IV, Chapter 5 of the South Carolina Code of Laws, as an application of the police powers for the purpose of promoting the public health, safety, and welfare.

220 Permit Requirements

220.01 Every person or entity engaged or intending to engage in a sexually oriented business, as defined in this ordinance, is required to obtain a Sexually Oriented Business Permit (hereinafter referred to as Permit) from Oconee County before initiating operation of the business. Any person or entity engaging in such business shall have a valid permit in effect at any time in which the business is in operation.

220.02 Applications for a Permit shall be made to the Oconee County Supervisor or to such employee of Oconee County who is designated by the County Supervisor for the enforcement of this ordinance.

220.03 Any person or entity engaged or intending to engage in a sexually oriented business is required to obtain and hold a valid Permit during any period of time in which the business is in operation.

220.04 An application for a Permit shall be made to the County Supervisor, or appropriate employee of Oconee County, as designated by the County Supervisor, on a form provided by Oconee County. If an entity wishing to operate a sexually oriented business is an individual, that individual must sign the Permit application. If the entity wishing to operate a sexually oriented business is other than an individual, each individual who has at least ten percent (10%) ownership in the business must sign the Permit application. If a corporation is listed as the owner of a sexually oriented business, then each individual having at least ten percent (10%) ownership interest in the corporation must sign the Permit application.

Permit applications may be submitted during normal business hours of Oconee County government offices. Permit applications are a matter of public record, and may be viewed by any person during normal business hours of Oconee government offices.

- 220.05 Any applicant for a Permit shall be required to provide proof of identification and proof of age.
- 220.06 If one person or entity owns or operates more than one sexually oriented business in Oconee County, that person or entity must obtain and hold a separate Permit for each sexually oriented business in operation.
- 220.07 Any application for a Permit must be accompanied by a sketch or diagram showing the configuration of the property and premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- 220.08 The fact that a person or entity possesses other types of state or county permits or licenses does not exempt the individual or entity from the Permit requirements of this article.
- 220.09 Oconee County Council shall have the authority to establish reasonable fees for Permits and Permit applications. Such fees shall be appropriate to cover costs associated with the administration of this ordinance and for the policing of sexually oriented business establishments. Such fees shall be established by resolution by the Oconee County Council and may be changed by subsequent resolution.

230 Issuance of Sexually Oriented Business Permit

The Oconee County Supervisor, or employee of Oconee County who is designated by the County Supervisor for the administration of this ordinance, shall approve the issuance of a Sexually Oriented Business Permit within thirty (30) days after receiving an application, unless he (she) finds one or more of the conditions listed below to be present:

- A. The proposed business is in violation of any portion of this ordinance, including Article III, Location Requirements of Sexually Oriented Businesses.
- B. The proposed business is in violation of any ordinance or regulation of Oconee County, any ordinance or regulation of any administrative department, bureau, or governmental entity of the State of South Carolina, or any law or regulation of the United States of America.
- C. The applicant is under eighteen (18) years of age.
- D. The applicant has failed to provide information that is reasonably necessary and required on the Permit application form for the issuance of a Permit, or has falsely

answered a question or request for information, as is required on the application form.

- E. The premises to be used for the sexually oriented business is found to be unsafe by the Fire Marshall of Oconee County, the Building Official of Oconee County, or an appropriate official of the South Carolina Department of Health and Environmental Control (DHEC).
- F. (1) To apply in the event that the applicant is an individual, the applicant, or the spouse of the applicant is found to be overdue in payment to the county of taxes, fees, fines, or penalties assessed against the individual, or imposed upon the individual in relation to a sexually oriented business.

(2) In the event that the applicant is more than one individual or is a corporation, it is found that any person having at least ten percent (10%) ownership in the sexually oriented business, any person having at least ten percent (10%) ownership interest in a corporation owning the sexually oriented business, or the spouse of any person having ten percent (10%) ownership in the sexually oriented business or corporation owning the sexually oriented business is overdue in payment to the county of taxes, fees, fines, or penalties assessed against the individual, or imposed upon the individual in relation to a sexually oriented business.
- G. The Permit fee or Permit application fee required by this ordinance and adopted by resolution of Oconee County Council has not been paid.

240 Administration and Display of Sexually Oriented Business Permits

- 240.01 The Permit shall be printed on a form developed by Oconee County. The Oconee County Supervisor, or county employee designated by the County Supervisor for the administration of this ordinance, shall maintain a copy of all Permits issued, and shall maintain a record of Permit issuances, to include the name of the business, name of the owner, date of Permit issuance, and date of Permit expiration.
- 240.02 Permits and Permit records are a matter of public record, and may be reviewed by any person during normal business hours of Oconee County government offices, except that records or information pertaining to an on-going investigation of illegal otherwise noncompliant activity of a sexually oriented business, owner or operator of a sexually oriented business, or employee of a sexually oriented business, may be shielded from public review in accordance with South Carolina law.
- 240.03 The Permit, if granted, shall state on its face the name of the person or persons to whom the Permit is issued, the date of issuance, expiration date, and the address of the sexually oriented business. The Permit shall be posted at a conspicuous place at or near the entrance of the sexually oriented business so that it may easily be read at any time.

240.04 Inspection.

- A. An applicant or Permit holder shall permit representatives of the Oconee County Sheriff's Department, the South Carolina Department of Health and Environmental Control, local Fire Department, the Oconee County Supervisors Office, the Oconee County Attorney's office, or the Oconee County Building Official's office to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time the building is occupied and open for business.
- B. All employees, while on duty at a sexually oriented business, must have a valid driver's license or other government issued official identification with picture in their possession and must present that identification to an inspecting official, as identified in Section 240.04.A, above, upon demand.
- C. The Permit holder (or agent or employee of the Permit holder) commits a misdemeanor if it is found by the appropriate court of law that such lawful inspection of the premises is denied for any reason. Such refusal is also grounds for the suspension or revocation of the Permit.

240.05 Expiration and Renewal of Sexually Oriented Business Permit. All sexually oriented business Permits shall be valid for a period of twelve (12) months. Applications for renewal shall be made to the Oconee County Supervisor or county employee designated by the supervisor for the administration of this ordinance. An application for renewal shall be made not more than forty (40) days before the expiration of a valid permit, nor less than thirty (30) days before the expiration of a valid permit. If an application for Permit renewal is not made during this time period, the Permit will lapse and an application for a new period shall be required to continue operation of the sexually oriented business. If there is a period in which the existing permit expires but before a new permit is issued, the sexually oriented business shall not operate during said period.

240.06 Suspension of a Sexually Oriented Business Permit. The Oconee County Supervisor, or county employee designated by the County Supervisor for the administration of this ordinance, shall suspend a sexually oriented business Permit for a period not to exceed thirty (30) days, if it is determined that a Permit holder or employee of a Permit holder commits one or more of the acts listed below:

- A. Has violated a portion of this or any other applicable ordinance or regulation of Oconee County, the State of South Carolina, any departments, bureaus, or agencies of the State of South Carolina, or the United States of America.
- B. Has refused to allow the inspection of a sexually oriented business, as authorized by this ordinance.
- C. Has failed to provide identification, as specified in Section 240.04 B of this ordinance.
- D. Has failed to register any employee, as specified in this ordinance, or has

misrepresented the number of employees of the sexually oriented business.

- F. Has allowed any person under the age of eighteen (18) years of age to access the premises.

240.07 Revocation of a Sexually Oriented Business Permit. The Oconee County Supervisor, or county employee designated by the County Supervisor for the administration of this ordinance, shall revoke a sexually oriented business Permit if a cause for suspension as specified in Section 240.06 of this ordinance has occurred at least one (1) time during the preceding twelve (12) months. In addition, the Oconee County Supervisor, or county employee designated by the County Supervisor for the administration of this ordinance, shall revoke a sexually oriented business Permit if it is determined that any of the acts listed below have occurred:

- A. The Permit holder or an agent of the Permit holder has provided false, incomplete, or misleading information in the material submitted during the application process.
- B. The Permit holder, or an agent or employee of the Permit holder operated the sexually oriented business during a period of time in which no valid Permit was in existence or the Permit was suspended.

Any act of obscenity as specified in Section 16-15-305, *et seq.*, of the South Carolina Code of Laws has taken place on the premises.

240.08 Reissuance of a Revoked Sexually Oriented Business Permit. If a Permit for a sexually oriented business has been revoked, no new Permit for that business shall be issued for a period of twelve (12) months from the date of revocation. The prohibition shall cover any business in the same location, any business owned by the owner of the business for which the Permit has been revoked, any business owned by any person having at least ten (10) percent ownership of the business for which the Permit was revoked, or any business owned by a corporation of which at least ten percent (10%) ownership interest is held by a person with at least ten percent (10%) ownership interest in a corporation that owned the business for which the Permit was revoked. This prohibition shall also apply to the spouse of any person meeting the criteria listed above.

Any Permit holder who has had two Permits revoked within a period of thirty-six (36) months, shall be prohibited from being issued a Permit for a period of five (5) years. This regulation shall apply to any individual who shall have at least ten percent (10%) interest in the ownership of a subject business or who shall have at least ten percent (10%) ownership in a corporation which owned a subject business. This prohibition shall also apply to the spouse of any person meeting the criteria listed above.

250 Appeals of Designation as a Sexually Oriented Business, Denial of Sexually Oriented Business Permit, Suspension or Revocation of Sexually Oriented Business Permit

250.01 Any aggrieved person or entity may appeal the Oconee County Supervisor's (or

county employee designated by the County Supervisor for the enforcement of this ordinance) designation of a business as a sexually oriented business, the denial of a Permit, or the suspension or revocation of a Permit to the Oconee County Board of Appeals (as established in Article IV) of this Ordinance. Such appeal must be submitted on a form developed by Oconee County and maintained by the Oconee County Supervisor or county employee designated by the County Supervisor for the administration of this ordinance. Any appeal must be submitted to the County Supervisor or designated employee within ten (10) business days after notification has been received by the applicant, person, or entity of the decision that is detrimental to the applicant, person, or entity.

- 250.02 Reasonable fees may be established by Oconee County Council to cover the costs of administering the appeals process. Fees shall be established by resolution by Oconee County Council and may be adjusted by subsequent resolution.
- 250.03 Before making a determination on an appeal, the Oconee County Board of Appeals shall conduct a public hearing on the matter. Upon submission of an application for appeal, the Chairman of the Oconee County Board of Appeals shall establish the date, time, and location for the public hearing, which shall be within thirty (30) days of the submission of the application for appeal.
- 250.04 Notification of the public hearing must be published in a newspaper of general circulation in Oconee County at least fifteen (15) days prior to the public hearing. Notice of the public hearing must also be displayed in the office of the Oconee County Supervisor or county employee designated by the Oconee County Supervisor for the administration of this ordinance. Further, the applicant for the appeal shall be provided notification of the location, date, and time of the public hearing by registered mail with return receipt, or by hand delivery of an agent of Oconee County who is authorized to deliver legal warrants.
- 250.05 Any person shall have the right to testify at the public hearing. Any person shall have the right to representation by legal counsel. Any person who does testify shall be required to state their legal name and address. The Chairman of the Oconee County Board of Appeals may require the presentation of a valid drivers license or other official government issued identification with picture to establish the identity of any person wishing to testify.
- 250.06 As the appeals process is a quasi-judicial function, no member of the Oconee County Board of Appeals shall accept any evidence pertaining to the issue outside of the hearing context, except that the county employee designated for the administration of this ordinance may pre-file a report to the Oconee County Board of Appeals. Said report, if pre-filed shall be distributed to Board of Appeals members at least seven (7) days prior to the hearing. Said report shall also be provided to the applicant for appeal either by certified mail with return receipt or by an agent of Oconee County who is authorized to serve legal warrants. In either case, such report shall be provided to the applicant at least three (3) days prior to the public hearing. Said report shall also be available for public review at the office of the county employee designated for the administration of this ordinance during normal business hours of Oconee County government.

In addition, the applicant for appeal may also provide a pre-filed report to the Oconee County Board of Appeals. Said report shall be filed with the employee who is designated to administer this ordinance and must be filed at least seven (7) days prior to the public hearing. Said report shall be distributed to members of the Oconee County Board of Appeals in an expeditious manner. Further, said report shall be available for public review at the office of the county employee designated for the administration of this ordinance during normal business hours of Oconee County government.

If the applicant refuses to sign a certified mail receipt of public hearing notice or of receipt of a pre-filed report, or if the applicant cannot reasonably be located at the address provided on the applicant, the designated county official shall make notice of such event, and it shall not cause the public hearing to be delayed.

If any member of the Oconee County Board of Appeals has reason to believe that he or she has a conflict of interest in voting on the appeal, or if any member has inadvertently received information, evidence, correspondence or testimony regarding the appeal outside of the hearing context, that member shall report the potential conflict, information, evidence, correspondence, or testimony to the county employee designated for the administration of this ordinance. That official shall inform the County Attorney of said information. The County Attorney shall then provide advice as to whether the Board member should participate in the deliberations, participate in the deliberations but make public notification for the record of the information received, or abstain from deliberations.

250.07 The decision of the Board of Appeals shall be made solely on findings of fact and shall be based on South Carolina law or ordinances of Oconee County. Official action may be taken only if a quorum (as specified in Article IV of this ordinance) is established. Decisions shall be made by a majority vote of Board members present and shall be rendered in a written form within five (5) business days of the public hearing, and shall be available for public review at the office of the Oconee County employee who is designated to administer this ordinance. Oconee County Council shall have no authority to alter a decision of the Oconee County Board of Appeals. Any decision of the Board may be appealed to Circuit Court within ten (10) days after the decision is rendered and made available for public review.

250.08 If a decision by the designated administrative officer to suspend or revoke a Permit is appealed, such decision is stayed from the time the appeal is filed until the Board of Appeals renders its decision. If the Board of Appeals upholds the order of the administrative officer, then the period of suspension or revocation shall commence upon the date that the decision of the Board is rendered.

260 Transfer of a Sexually Oriented Business Permit

A Permit holder shall not transfer a Permit to another sexually oriented business, nor shall a Permit holder operate a sexually oriented business under the authority of a sexually

oriented business at any location other than the address designated in the Permit. Should a sexually oriented permit change ownership, the Permit may not be transferred. A new Permit may be applied for in accordance with the application procedure included within this ordinance by the new owner.

270 Permit Requirements of Sexually Oriented Businesses Operating at the Time This Ordinance is Adopted

270.01 Any sexually oriented business that is in operation at the time this ordinance is enacted shall be permitted to remain in operation without a Permit for a period not to exceed one hundred twenty (120) days.

270.02 If the owner of the sexually oriented business desires to operate the business for a period exceeding one hundred twenty (120) days, the owner shall obtain a Permit in the manner proscribed in Section 230 of this ordinance. In order to ensure that no lapse of time is incurred, a Permit application must be submitted within ninety (90) days of the enactment of this ordinance.

270.03 Any existing sexually oriented business that is nonconforming to the locational requirements as stated in Article III of this ordinance, may none the less be issued a Permit in accordance with the Nonconforming Use Provision of this ordinance.

270.04 To provide notification of Permit requirements and application procedures, once this ordinance is enacted, Oconee County shall provide advertisement in a newspaper of general circulation in Oconee County. Said advertisement shall be published at least three (3) times at a minimum interval of fourteen (14) days. Said advertisement shall include notification of Permit requirements, information concerning how a Permit application may be obtained, a telephone number and address for obtaining additional information, notification that an existing sexually oriented business may remain in operation without a permit until the designated date that is one hundred twenty (120) days subsequent to the enactment of this ordinance.

ARTICLE III: LOCATION OF SEXUALLY ORIENTED BUSINESSES

300 Purpose and Intent

It is the purpose and intent of this article to provide for the location of sexually oriented businesses in a manner that promotes the public health, safety, and welfare of Oconee County; that minimizes secondary impacts associated with these businesses, and that allows for the reasonable establishment of these businesses in accordance with rights as established in the Constitution of the United States of America.

310 Enabling Authority

This article is adopted by Oconee County Council, upon recommendation from the Oconee County Planning Commission, in conformance with Title VI, Chapter 29 of the South Carolina Code of Laws, Cumulative Update.

320 Consistency With Comprehensive Plan

This article is adopted by Oconee County Council, upon recommendation from the Oconee County Planning Commission, in conformance with the Land Use Element of the Oconee County Comprehensive Plan. (Ordinance No. 97-2, as adopted on September 30, 1997.) Specifically, this ordinance is adopted to accomplish Short Range Goal #4, as identified in the Comprehensive Plan.

330 Applicability

This article shall apply to the location of any sexually oriented business that is established within the unincorporated area of Oconee County.

340 Locational Requirements

No sexually oriented business shall be established, located, or operated on a parcel that is within one thousand (1,000) feet of any building or structure utilized for any of the activities below. Further, no Permit shall be granted for a sexually oriented business that is proposed for establishment on a parcel that is within one thousand (1,000) feet of any building or structure utilized for any of the activities identified below.

- A. A church, synagogue, mosque, other place of worship, or facility used for the formal congregation of persons engaged in religious worship activities,
- B. A public or private school or nursery school (structure shall include buildings and fenced in play areas),
- C. A residence or structure built for residency,
- D. a public park, public recreation area, or private recreation area (structure shall include the entire parcel on which the facility is located), or

E. any other sexually oriented business.

340.01 For the purposes of Section 340, measurement shall be made in a straight line without regard to intervening structures or objects. Measurement shall be from the nearest portion of the parcel that is proposed for the location of the sexually oriented business to the closest point of any structure identified in Section 340.

340.02 No more than one (1) sexually oriented business shall be permitted on any parcel.

350 Sexually Oriented Businesses as a Nonconforming Use

350.01 Any sexually oriented business operating on the date that this ordinance is enacted that is found to not be in conformance with the locational requirements, as specified in Section 340 shall be designated as a nonconforming use. Such business shall be permitted to remain in operation without a Permit during the one hundred twenty (120) day period, as specified in Section 270 and shall be eligible to be issued a Permit. Upon issuance of the Permit, the Oconee County Supervisor or county employee designated by the County Supervisor for the administration of this ordinance, shall make a notation on the Permit that the use is designated as nonconforming.

350.02 Supplemental Regulations Applied to Sexually Oriented Businesses That Are Designated As A Nonconforming use.

A. No nonconforming use shall be increased, enlarged, extended, or altered.

B. Any sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use due to the subsequent location of any of the activities listed in Section 340 within one thousand (1,000) feet of the parcel upon which the sexually oriented business is located. If the Permit for the sexually oriented business shall lapse or be revoked, or if the business shall cease operation for a period of at least sixty (60) consecutive days, then the business shall be deemed as having been terminated. In such case, no new Permit shall be issued for any business that is not in compliance with Section 340.

C. The nonconforming status of any sexually oriented business shall be terminated if the business ceases operation for a period of at least sixty (60) consecutive days, if the business's Permit is revoked in accordance with Section 240, or if the building in which the business is housed suffers damage to an extent in which the cost of repair would exceed fifty percent (50%) of the value of the building before it was damaged.

D. Upon the termination of the nonconforming status of the sexually oriented business, the Permit shall be permanently revoked. However, unless the revocation is in part or in whole based on one or more of the violations included in Section 240, the owner shall be eligible to apply

for a new Permit to re-establish the business or establish a new business without waiting the one year period, as specified in Section 240.

- 350.03 A designated nonconforming use may be issued no more than three (3) annual Permits. Upon the termination of the third Permit, the nonconforming use must terminate or re-locate to a conforming site.

ARTICLE IV: ENFORCEMENT

400 Penalty - Injunction

A person who is found by a court of law to have operated or to have caused to be operated a sexually oriented business without a Permit or in any other manner that is in violation of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Such violations shall be punishable by a fine not to exceed \$ 500 and/or 30 days imprisonment. Each day a person operates or causes to be operated a sexually oriented business in a manner that is in violation of this ordinance shall constitute a separate offense.

- 410 The regulations included in this ordinance are in addition to any other valid laws or regulations of the United States of America, the State of South Carolina, or Oconee County. Nothing in this ordinance is intended to or shall be interpreted as invalidating any other laws or regulations. Any penalties imposed by a court of law for the violation of this ordinance shall not interfere with any separate criminal prosecution or penalty levied for any other criminal act.

- 420 Nothing in this ordinance is intended to or shall be interpreted as limiting the rights of Oconee County, any citizen, or any entity from seeking any relief from any cause for action as proscribed by South Carolina law.

430 Oconee County Board of Appeals

An Oconee County Board of Appeals shall be established, which may also be referred to the Board, as defined in Section 6-29-780 through Section 6-29-860 of the South Carolina Code of Laws, Cumulative Supplement.

- 430.01 Board Establishment. The Board shall consist of seven (7) members, a majority of which shall constitute a quorum. Members shall be appointed by Oconee County Council, and shall serve overlapping terms of three (3) years, except that original appointees shall serve for staggered terms as proscribed in Section 430.02. Members whose terms have expired shall continue serving until a successor has been appointed by Oconee County Council. Members may serve an unlimited number of consecutive terms. A vacancy in membership shall be filled for the unexpired term in the same manner in which the original appointment was made. Oconee County Council shall have the authority to remove any member of the Board for cause or for violating any of the By-Laws, as adopted by the Board. Oconee County Council shall have the authority to approve a budget for the Board

and to appropriate funds for the Board's activities. Members shall serve without compensation, unless authorized by Oconee County Council. No Board member shall hold any other public office or position in Oconee County or a municipality in Oconee County.

A. Initial Appointments to the Board. Upon concluding the appointment of the initial seven (7) members of the Board, members shall determine terms through a random drawing, with two members to have a term of one (1) year, two members to have a term of two (2) years, and three (3) members to have a term of three years.

430.02 Organization of the Board. The Board shall elect one of its members as chairman, who shall serve for one year or until re-elected or until a successor is elected and qualified. The Board shall appoint a secretary who may be an employee of Oconee County or who may be a member of the Board. The Board shall adopt rules of procedures to be contained in by-laws. Meetings shall be held at the call of the chairman. Public notice of meetings shall be provided by publication in a newspaper of general circulation in Oconee County. The chairman may administer oaths and compel the attendance of witnesses by subpoena. The Board shall keep minutes of its proceedings, showing the vote of each question.

430.03 Public Meetings and Public Records. All meetings of the Board shall be open to the public, unless an executive session is declared to receive advice from legal counsel. All meeting minutes shall be public records and shall be available for inspection at the office of the designated administration official during regular office hours of Oconee County government.

Article V: Definitions

501 **Adult arcade** means any place to which the public is permitted or invited wherein coin-operated, slug-operated or electronically, or mechanically-controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to one or more persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

502 **Adult bookstore, adult retail store or adult video store** means a commercial establishment which excludes any person by virtue of age from all or part of the premises generally held open to the public where products or equipment distinguished or characterized by a predominant emphasis or simulation of "specified sexual activities" or "specified anatomical areas" are sold, rented, or displayed therein, or which has as one of its principal business purposes, the sale or rental for any form, for consideration, one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films,

motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."

- B. Instruments, devices, paraphernalia or clothing which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental the specified materials which describe "specified sexual activities or "specified anatomical areas."
- C. Adult bookstore, adult retail store, or adult video store does not mean any establishment which displays, rents or sells sexually-explicit materials in an enclosed room equal to less than 10% of the business' total square footage, and which prohibits anyone under 18 years of age from entering the room.
- D. Principle business purpose, as used in this section, means that more than 25% of the "stock in trade" of the business is devoted to the display, rent, or sale of items, products, or equipment distinguished or characterized by a predominant emphasis on, or simulation of, "specified sexual activities" or "specified anatomical areas."
- E. Stock in trade for purposes of this sub-section shall mean the greater of:
 - 1. The retail dollar value of all items, products or equipment readily available for purpose, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or
 - 2. The total volume of shelf space and display area.

503 **Adult cabaret** means a nightclub, bar, restaurant or similar commercial eating or drinking establishment, which regularly features:

- A. Persons who appear in a state of nudity.
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified anatomical areas."

504 **Adult car wash** means a car wash where some or all of the employees are semi-nude or nude and/or where "specified sexual activities" or "specified anatomical areas" are exhibited.

- 505 **Adult motel** mean a hotel, motel or similar commercial establishment which:
- A. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which may have a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions, or
 - B. Routinely offers a sleeping room for rent for a period of time that is less than eight hours. or
 - C. Routinely allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight hours, or
 - D. Evidence that a sleeping room in hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than eight hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this section.
- 506 **Adult motion picture theater** means a commercial motion picture theater, one of whose primary business purpose is. for any form of consideration, to regularly show films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 507 **Adult theater** means a commercial theater, concert hall, auditorium, or similar commercial establishment, one of whose primary business purpose is to regularly feature persons who appear in a state of nudity or which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- 508 **Board** means the Oconee County Board of Appeals.
- 509 **Certificate of Nonconformity** means a certificate issued by the Oconee County Planning and Development Department to any sexually oriented business which is operating at the time of the enactment of this Chapter, and is not in compliance with one of more of its provisions.
- 510 **Dancer** means an employee of a sexually oriented business that entertains patrons through expressive forms of dance and/or movement.
- 511 **Designated County Employee** means the employee of Oconee County who is designated by the Oconee County Supervisor for the administration of this ordinance.
- 512 **Employee** means an individual working and performing services for any sexually oriented business, including any independent contractor who provides services on behalf of any sexually oriented business to the patrons of such business.

- 513 **Established or establishment**, as used in this Chapter, means and includes any of the following:
- A. The opening or commencement of any sexually oriented business as a new business.
 - B. The conversion of an existing building or not a sexually oriented business, to a sexually oriented business.
 - C. The addition of any sexually oriented business to any other existing sexually oriented business.
 - D. The relocation of any sexually oriented business.
- 514 **Health Club** as used in this Chapter means a health club where some or all of the employees are nude or semi-nude, or in which "specified sexual activities" occur or "specified anatomical areas" are exhibited.
- 515 **Licensee** means a person in whose name a Sexually Oriented Business Regulatory License to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a Sexually Oriented Business Regulatory License.
- 516 **Live entertainment**, for purposes of this Chapter, means a person who appears nude, semi-nude, or a performance which is characterized by the exposure of "specified anatomical areas" or "specified sexual activities."
- 517 **Nude model studio** means any place where a person appears in a state of nudity or displays "specified anatomical areas" and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration.
- 518 **Nude, Nudity, or state of nudity** means a) the appearance of a bare human buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast, or b) a state of dress which fails to cover a human buttock, anus, male genitals, female genitals, pubic region, or areola or nipple of the female breast.
- 519 **Operate or cause to be operated**, as used in this Chapter, means to cause to function or to put or keep in operation.
- 520 **Operator** means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business, or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to operate a sexually oriented business whether or not the person is an owner, part owner, or licensee of the business.
- 521 **Patron** means any persons who pays a sexually oriented business any form of consideration for services provided to him or her by the sexually oriented business.

- 522 **Person** means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- 523 **Semi-nude or semi-nudity** means a state of dress in which clothing covers no more than the genitals of a man, or the pubic region and areolae of the breasts of a woman.
- 524 **Sexually Oriented Business** includes an adult arcade, adult bookstore, adult retail store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, or any other business such as a car wash or a health club, which offers for consideration, materials, or services characterized as depicting "specified sexual activities" or "specified anatomical areas," or whose employees perform services in a state of nudity or semi-nudity.
- 525 **Sexually Oriented Business Permit** means a special annual operating permit necessary for a sexually oriented business to do business in the unincorporated portions of Oconee County. Such license is in addition to any other regional, state, or county permits. The Sexually Oriented Business Regulatory Permit also requires the registration of each employee and each employee hired during the operation period authorized by the Sexually Oriented Business Regulatory Permit.
- 526 **Specified Anatomical Areas** means the male or female genitals including the vulva or more intimate parts of the female genitals, or bare human buttocks, anus, or the areola or nipple of the female breast.
- 527 **Specified Sexual Activities** means and includes any of the following:
- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.
 - B. Sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy.
 - C. Masturbation, actual or simulated.
 - D. Excretory functions as a part of or in conjunction with any of the activities set forth in A. through C. above.
- 528 **Substantial Enlargement** of a sexually oriented business means the increase in floor areas occupied by the business by more than 10% as the floor areas exist on the date the original Certificate of Compliance was obtained.
- 529 **Transfer of Ownership** or control of a sexually oriented business means and includes any of the following:

- A. The sale, lease or sublease of the business.
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.
- C. The establishment of a trust, gift, or other similar legal device which transfer the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

530 **Viewing Room** means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, video reproduction, or live production.

ARTICLE VI: LEGAL STATUS PROVISIONS

600 **Enactment**

This ordinance shall be in full force and effect upon its adoption by Oconee County Council.

610 **Scope**

This ordinance shall apply to the entire unincorporated area of Oconee County.

620 **Severability**

Oconee County Ordinance 96-8 is hereby repealed. This ordinance and its various parts, sections, subsections and clauses are hereby declared to be severable. If any portion is adjudged to be unconstitutional or invalid by a Court of competent jurisdiction, it is hereby provided that the remainder of the ordinance shall not be affected.

AMENDMENT TO
ORDINANCE #85-2
OCONEE COUNTY
MANUAL FOR CENTRALIZED PURCHASING

The purpose of this amendment is to increase dollar limits allowed for purchases and clarify certain procurement procedures. Unless otherwise changed below, all procedures and/or requirements regarding the Manual for Centralized Purchasing, Ordinance 85-2, shall remain in full force and affect.

A. Informal Bid Procedure shall be changed as follows:

- 1) Routine Small Purchase Orders (RSPO's) shall be increased to \$500.00
- 2) Parts Purchase Orders (PPO's) shall be increased to \$500.
- 3) Single purchase orders totaling \$1,500 or less may be awarded without securing competitive quotations, provided the prices are considered to be fair and reasonable.
- 4) Single purchase orders over \$1,500 but not exceeding \$5,000 shall be awarded after soliciting a minimum of three written or verbal quotations.
- 5) Single purchase orders over \$5,000 but not exceeding \$10,000 shall be awarded after soliciting a minimum of three written quotations.
- 6) Procurement requirements shall not be artificially divided so as to constitute a smaller purchase.

B. The Formal Bid Procedure shall be changed as follows:

- 1) Single purchase orders over \$10,000 shall be awarded by County Council after soliciting pricing by one of the following methods: Competitive Sealed Bid or Competitive Sealed Proposal. However, purchases falling within the category of Sole Source or Emergency Purchases will need to follow procedures governing those categories.

After bid award, the Purchasing Department has the authority, upon approval of the County Supervisor, to issue change orders to the purchase order/contract for up to 20% of the original award amount, provided however, the department has sufficient funds available in their budget.

- 2) Excluded from competitive bids are repairs to equipment performed by the authorized dealer (i.e., replacing a transmission in a loader), additional purchases of equipment to replace or upgrade part of a system (i.e., a computer system for Tax Center) that is under a maintenance agreement, and equipment and/or services purchased through South Carolina State Contracts, South Carolina State or Federal Surplus Property, or from other governmental entities.

C. Insurance and Workmen's Compensation Requirements

Sufficient amounts of general liability insurance and/or workmen's compensation insurance as deemed appropriate by the Purchasing Director may be required at the discretion of the County Supervisor and in accordance with State law from vendors performing work on County property for single procurements under \$10,000. Both general liability insurance and Workmen's compensation insurance shall be required on all procurements over \$10,000, as well as other types of coverage and/or bonds as deemed appropriate by the Purchasing Director.

D. Centralized Listing of Fixed Assets Inventory (Equipment)

Fixed assets (equipment) inventory items shall be increased to a single item having a value of at least \$1,000 (prior to trade-in allowances) and a life expectancy of one year or more. Ordinarily, but not always, fixed asset items should be purchased from the department's Capital Expenditure line item(s).

It is each department's responsibility to notify the Purchasing Department using the proper form when an item has been received. The Purchasing Department will then issue an Inventory Control Tag and list item on the County's centralized listing. Furthermore, it is the Department's responsibility to notify the Purchasing Department of any changes to their listing and to reconcile said listing periodically as requested by the Purchasing Department.

No department or employee shall have the authority to dispose of any County property of any value. A listing of any "surplus" equipment shall be forwarded to the Purchasing Department when necessary or requested. It shall be the Purchasing Director's decision to determine if said equipment is to be sold through sealed bid or public auction, upon approval of the County Supervisor, or that the item is "scrap" and should be discarded.

OCONEE COUNCIL MEETING

ORDINANCE 98-_____

SECTION I: TITLE

The title of this ordinance shall be "Oconee County Animal Control Act" adding to and amending certain sections of Animal Control Ordinances 87-8 and 88-4.

SECTION II: DEFINITIONS

As used in this ordinance, the following terms are defined below:

- 2.1: Animal: Every non-human species of animal.
- 2.2: Animal at large: Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.
- 2.3: Animal Rescuer: Any recognized group who routinely obtains an unwanted dog or cat and who finds an adoptive home for that spayed or neutered dog or cat.
- 2.4: Animal Shelter: Any premises designated by the county governing body for the purpose of impounding, care, or destruction of animals held under authority of this Ordinance and/or State Law.
- 2.5: Humane Officer or Animal Control Officer: Any person designated by the State of South Carolina or County Governing Authority of Oconee County as a Law Enforcement Officer pursuant to S.C. Code §47-3-30.
- 2.6: Humane Society: South Carolina Society for Prevention of Cruelty to Animals.
- 2.7: Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be declared to be harbored if it is fed for three consecutive days or more.
- 2.8: Pet or Companion Animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

2.8: Abandoned/Stray Animal: Any animal unattended for a period of more than three days.

2.9: Public Nuisance: Any animal or animals, except those raised for food and/or food products, that unreasonably annoy humans, endanger the life or health of other citizens (other than their owners), or interfere with a citizen's enjoyment of life or property.

The term "Public Nuisance Animal" shall mean and include, but is not limited to any animal that:

- a) is found at large after written complaint has been filed;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrian or passerby;
- d) excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- e) causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every twenty four (24) hours or washing of same into an approved underground disposal system every twenty four (24) hours.
- f) has been found by the animal control officer after notice to its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety;
- g) does not have attached a valid current rabies inoculation tag as required by State Law;

2.10: Under Restraint: Animals shall be deemed under restraint if it is on the premises of its owner or keeper or is accompanied by its owner or keeper and under the physical control of such owner or keeper by means of restraining devices, or under the verbal command, or under the active control of the owner or trainer while hunting or being trained and while on property of the owner or with the property owner's permission.

2.11: Dangerous Animal: (A) An animal of the canine or feline family:

(1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals;

(2) which;

(a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

(3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;

(4) which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

(B) An animal is not a "dangerous animal" solely by virtue of its breed or species.

2.12: Potentially Dangerous Animal: (a) An animal of the canine or feline family that chases or approaches any person or domestic animal, anywhere, other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack including, but not limited to, behavior such as growling or snarling; or

(b) an uncontrolled animal of the canine or feline family which, on three (3) separate occasions within a twelve (12) month period, has been observed uncontrolled while off the owner's premises which has been fully empounded within a twelve (12) month period.

SECTION 3: AUTHORITY

This ordinance is adopted pursuant to the provisions of Sections 47-3-20, et. seq., Code of Laws of South Carolina, 1976.

SECTION 4: RESTRAINT

4.1: All Animals shall be kept under restraint.

4.2: No owner shall fail to exercise proper care and control of his dog to prevent him from being a public nuisance.

4.3: Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

4.4: Every dangerous animal and potentially dangerous animal, as determined, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

SECTION 5: BITING OR ATTACKING PERSONS

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the Department of Health and Environmental Control. Whenever the Animal Control Officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the Oconee County Department of Health and Environmental Control of such bit or attack and shall cooperate with the said health department in impounding and quarantining such animal.

SECTION 6: IMPOUNDMENT AND VIOLATION NOTICE

6.1: Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, shall be taken by Law Enforcement Officials or Animal Control Officers and impounded in the Oconee County Animal Shelter and there be confined in a humane manner.

In addition to, or in lieu of, impounding a dog at large, the animal control officer or lawful constable or deputy sheriff shall issue to the known owner of such dog a notice

of ordinance violation. Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of twenty-five dollars (\$25.00) for the second violation, fifty dollars (\$50.00) for the third violation and seventy-five dollars (\$75.00) for each subsequent violation which shall be paid to an Oconee County Magistrate within seventy-two (72) hours from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period described, a criminal warrant summons shall be initiated before a magistrate and upon conviction of this ordinance, the owner shall be punished as provided in Section 10 of this ordinance. In addition, the owner shall be required to pay a fee of two dollars (\$2.00) per day for each day the animal is boarded by the County, actual cost for inoculation of the animal (if applicable) and a five dollar (\$5.00) impoundment fee. For the second impoundment of the same animal within a twelve (12) month period, the owner shall be required to pay a fee of three dollars (\$3.00) per day for each day the animal is boarded. In addition, a thirty dollar (\$30.00) fee and mandatory sterilization of the animal shall be required. Five dollars (\$5.00) shall be the impoundment fee and twenty-five (\$25.00) shall help defray the cost of sterilization. The sterilization shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian the spay or neuter procedure would be harmful to the animal due to reasons of age or health or that the animal has already been sterilized.

6.2: Notwithstanding the above, the Animal Control Officer and/or Law Enforcement Officer, may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.

6.3: Impounded dogs and cats shall not be kept for fewer than five (5) working days.

6.4: If by tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail. Any identifiable animal, not appearing to be abandoned, upon

notification of the owner by telephone or certified mail, shall not be kept for fewer than two (2) weeks.

6.5: Abandoned animals shall be impounded and shall be kept for no fewer than five (5) working days.

6.6: Any owner reclaiming an impounded dog or cat shall pay the fee provided for in section 6.1 before the animal can be released.

6.7: Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.

6.8: Any animal not reclaimed by its owner within five (5) working days of in the case of a positively identifiable animal within two (2) weeks, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely disposed of as approved by State Law.

6.9: The Animal Shelter Director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.

6.10: It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.

6.11: It shall be unlawful to resist animal shelter personnel, animal control officers or law enforcement officer engaging in the capture and impoundment of an animal.

6.12: It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.

SECTION 7: DANGEROUS ANIMALS

7.1: The animal control officer or law enforcement officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has attacked, bitten, or injured any human being. The animal shall be kept at the Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's

expense for quarantine pending a determination of the animal's status as a dangerous animal.

7.2: Upon impounding a potentially dangerous animal that has attacked, bitten or injured a human being, a determination hearing should be conducted within five (5) days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The Magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination such as veterinarians or dog obedience trainers. The Magistrate shall issue written findings within five (5) days after the hearing. The owner of such animal shall have a right to appeal the decision within ten (10) days of receiving such decision of the Magistrate.

7.3: A dog determined dangerous as determined in 7.2 which has attacked or causes severe injury to a human being or domestic animal may be ordered destroyed by the Magistrate when in the Magistrate's judgment the dangerous dog represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the Humane Society or law enforcement officer.

7.4: The owner of a dangerous animal shall secure and confine said dangerous animal on owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping or the injury of unauthorized persons. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in

a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

7.5: No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the dog is securely muzzled and restrained with a leash or chain having a minimum pencil strength of three hundred (300) pounds and not exceeding three (3) feet in length.

SECTION 8: POTENTIALLY DANGEROUS ANIMAL

8.1: The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping or the injury of unauthorized persons. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

8.2: No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the dog is securely muzzled and restrained with a leash or chain having a minimum pencil strength of three hundred (300) pounds and not exceeding three (3) feet in length.

SECTION 9: ANIMAL CARE

9.1: No owner shall fail to provide for his animals with necessary substance or shelter, veterinary care when needed to prevent suffering and humane care and treatment.

9.2: No owner of an animal shall abandon such animal.

9.3: Any animal found abandoned and not properly cared for, appearing to be diseased or injured past recovery for any useful purpose may be lawfully destroyed by any

agent of DHEC, Law Enforcement Officer or Officer of the Humane Society by a method approved of by State Law.

9.4: Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owners property by the Animal Control Officer or Law Enforcement Officer and impounded at the Oconee County Animal Shelter, provided however that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

9.5: The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

SECTION 10: STERILIZATION

No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults and a specified date in the contract for pups and kittens, provided however, the county provides a program whereby the spay/neuter is included with the adoption fee.

No animal shall be released for adoption from the Oconee County Animal Shelter that has not been sterilized, provided however, that the County or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

SECTION 11: ENFORCEMENT

The civil and criminal provisions of the ordinance shall be enforced by those persons or agencies by the county authority. It shall be a violation of this ordinance to interfere with an animal control officer or law enforcement officer in the performance of his/her duties.

SECTION 12: PENALTIES

12.1: Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall for every offense, be guilty of a misdemeanor and be punished by imprisonment in jail not exceeding thirty (30) days or by a fine not exceeding one hundred dollars (\$100.00). In addition, upon conviction of any violation under this article a court may order an animal forfeited by the owner or owners and placed with an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated, and the cruel treatment is likely to continue; or the owners have been convicted of allowing the animal to run at large on two or more previous occasions, and the animal is likely to continue to run at large.

SECTION 13: APPLICABILITY OF RABIES CONTROL ACT.

The provisions of South Carolina Code Section 47-5-10 et seq., commonly known as the Rabies Control Act are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this ordinance, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this ordinance.

SECTION 14: CONFLICTING ORDINANCES

All other ordinances of the County of Oconee that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 15: SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.

BIDDER		Watson Tires & Treds, Inc.		Goodyear Commerical Tire & Service Center	
APPROX QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
25	1000R20 M & S	80.00	2,000.00	87.67	2,191.75
40	11R22.5 M & S	80.00	3,200.00	87.69	3,507.60
40	11R24.5 ST	84.00	3,360.00	85.12	3,404.80
6	9R22.5 ST	78.50	471.00	71.64	429.84
6	1100R20 M & S	98.00	588.00	95.43	572.58
6	900R20 ST	78.50	471.00	76.98	461.88
6	900R200 M & S	78.50	471.00	85.55	513.30
	#4 Radial Tires	8.00	0.00		0.00
	#2 Radial Tires	4.00	0.00		0.00
	#8 Radial Tires	16.00	0.00		0.00
	#6 Radial Tires	12.00	0.00		0.00
	Other - Nail Hole			4.50	
	Other Section Repair			32.50	
	Other Mini Shoulder Section			6.50	
	Other Spot Repair			14.50	
	GRAND TOTAL		\$ 10,561.00	\$	11,081.75
	Delivery				

Attended Bid Opening: Ron Knorr - Prestige Phone, Lee Davis, Marianne Dillard, Ann Albertson - Oconee County

BID NO. 98-01

(Use this number on envelopes and all related correspondence.)

**BID FORM
OCONEE COUNTY PURCHASING DEPARTMENT
201 W. MAIN STREET, WALHALLA, SC 29691**

The WATSON'S TIRES & TREADS INC

submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) attached hereto for recapping tires for the Oconee County Motor Pool

RECAPPING TIRES FOR THE OCONEE COUNTY MOTOR POOL

QUANT.	TIRE SIZE	THREAD	UNIT PRICE	TOTAL
25	1000R20	M & S	<u>80⁰⁰</u>	<u>2000⁰⁰</u>
40	11R22.5	M & S	<u>80⁰⁰</u>	<u>3200⁰⁰</u>
40	11R24.5	ST M & S	<u>84⁰⁰</u>	<u>3360⁰⁰</u>
6	9R22.5	ST	<u>78⁵⁰</u>	<u>471⁰⁰</u>
6	1100R20	M & S	<u>98⁰⁰</u>	<u>588⁰⁰</u>
6	900R20	ST	<u>78⁵⁰</u>	<u>471⁰⁰</u>
6	900R20	M & S	<u>78⁵⁰</u>	<u>471⁰⁰</u>

REPAIR PRICES

4 Radial Tire 8⁰⁰ # 6 Radial Tire 12⁰⁰
 #8 Radial Tire 16⁰⁰ Other (pls. specify) #2 \$ 4⁰⁰
 Other (pls. specify) _____ \$ _____

The above stated bid is based on all applicable specifications, drawings, etc. associated with this bid and the following additional Addenda issued subsequent to the basic specifications and/or drawings.

NOTE TO BIDDER: List all Addenda with dates of any issued. If no additional Addenda are issued, write the word "NONE".

Addendum Number	Date
<u>None</u>	_____
_____	_____

BID NO. 98-01
 (Use this number on envelopes and all related correspondence.)

BID FORM
OCONEE COUNTY PURCHASING DEPARTMENT
201 W. MAIN STREET, WALHALLA, SC 29691

The Goodyear Commercial Tire & Service Center submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) attached hereto for recapping tires for the Oconee County Motor Pool

RECAPPING TIRES FOR THE OCONEE COUNTY MOTOR POOL

QUANT.	TIRE SIZE	THREAD	UNIT PRICE	TOTAL
25	1000R20	M & S	<u>87⁶¹</u>	<u>2191⁷⁵</u>
40	11R22.5	M & S	<u>87⁶⁹</u>	<u>3506⁸⁰</u>
40	11R24.5	ST	<u>85¹²</u>	<u>3404⁸⁰</u>
6	9R22.5	ST	<u>71⁶¹</u>	<u>429⁶⁶</u>
6	1100R20	M & S	<u>95⁴³</u>	<u>572⁵⁸</u>
6	900R20	ST	<u>76⁹⁸</u>	<u>461⁸⁸</u>
6	900R20	M & S	<u>82⁵⁶</u>	<u>495³⁰</u>

REPAIR PRICES

4 Radial Tire NAIL HOLD 4⁵⁰ # 6 Radial Tire MINI SHOCKER SECTION 6⁵⁰
 #8 Radial Tire SECTION REPAIR 32⁵⁰ Other (pls. specify) SPOT REPAIR \$ 14⁵⁰
 Other (pls. specify) _____ \$ _____

The above stated bid is based on all applicable specifications, drawings, etc. associated with this bid and the following additional Addenda issued subsequent to the basic specifications and/or drawings.

NOTE TO BIDDER: List all Addenda with dates of any issued. If no additional Addenda are issued, write the word "NONE".

Addendum Number	Date
<u>NONE</u>	_____
_____	_____

RESOLUTION

WHEREAS, the South Carolina State Division of General Services, through the South Carolina State Agency for Surplus Property, by authority of the Federal Property and Administrative Services Act of 1949, as amended, makes available federal surplus personal property to public agencies for public purposes and to nonprofit tax-exempt health and educational institutions, and

WHEREAS, _____, hereafter referred to
(Applicant Organization)
as the Applicant, is desirous of utilizing the services and resources of this agency, and

WHEREAS, the Applicant certifies that it is a public agency as defined by the Federal Property Management Regulations 101-44.001-10, or under Section 501 of the U.S. Internal Revenue Code of 1954, and

WHEREAS, the Applicant further certifies that property is needed and will be used by the public agency for carrying out or promoting for the residence of a given political area one or more public purposes and for no other purposes, and

WHEREAS, the Applicant further certifies that property is needed for and will be used by the recipient for educational or public health purposes including research and for no other purposes, and

WHEREAS, the Applicant agrees that all items of property shall be placed in use for the purposes for which acquired within one year of receipt and shall be continued in use for such purposes for one year from the date the property was placed in use, and in the event the property is not so placed in use, or continued in use, the donee shall immediately notify the State Agency, and return said property to the State Agency as directed, and

WHEREAS, the Applicant further agrees to abide by all additional periods of restriction placed on property by the State Agency; that is, 18 months on all passenger motor vehicles and other items of property with a unit acquisition cost of \$3,000 or more, except for such items of major equipment on which the State Agency designates a further period of restriction as indicated on the distribution document, and

WHEREAS, the Applicant further agrees that during the period of restriction it will not sell, trade, lease, lend, bail, encumber, or otherwise dispose of such property without prior approval of the General Services Administration or the State Agency, and in the event property is so disposed of without prior approval of the General Services Administration or the State Agency, the Applicant will be liable for the fair market value or the fair rental value of such property as determined by the General Services Administration or the State Agency, and

WHEREAS, the Applicant further agrees to remit promptly to the State Agency for all fees assessed on all property acquired for service and handling expenses, and

WHEREAS, the Applicant further agrees to comply with Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973,

THEREFORE, BE IT RESOLVED, that the Applicant requests that eligibility be established to participate in the Federal Surplus Personal Property Donation Program, and

ELIGIBILITY UPDATE REPLY

I. NAME OF DONEE: Oconee County (37-1)

II. AUTHORIZED CARDHOLDERS (Check all that apply)

A. Additional Designations (Add to previous authorizations):

Name

Title

B. Deletions (Cards should be returned. If unable to do so, please state reason.)

Name

Title

C. No Changes

III. HEAD OF ORGANIZATION AS LISTED: Norman D. Crain - Supervisor - Chairman

A. Same as listed

B. Change Name & Title _____

C. Term of office expires: _____

IV. VERIFICATION OF ADDRESS

A. Address/Phone number (including area code) are correct as listed

B. Please make the following change(s):

V. ADDITIONAL INFORMATION REQUIRED: _____

Date _____

Signature of Authorized Official _____

GSSUR630

STATE OF SOUTH CAROLINA
FEDERAL SURPLUS PERSONAL PROPERTY INVENTORY
ADMINISTRATOR LISTING

DATE 07/22/96
PAGE 699

COUNTY :37, OCONEE
APPLICANT :001, OCONEE COUNTY
EXPIRATION DATE:06/30/01

ADM NUM	NAME	TITLE	PROP NUM	LOC OR STA	ACCT CD	ALT AGY	ADDRESS	ALT ADDR	CITY	ST	ZIP	PI
001	MARIANNE DILLARD	PURCHASING AGENT	G	L	1303700		208 BOOKER DR		WALHALLA	SC	29691	63
002	WALTER PURCELL	EMER. PREP. DIR.	F	L	1303700		208 BOOKER DR		WALHALLA	SC	29691	63
003	NORMAN D. CRAIN	SUPERVISOR	G	L	1303700		208 BOOKER DR		WALHALLA	SC	29691	63

NONDISCRIMINATION ASSURANCE

LEGAL NAME & MAILING ADDRESS OF APPLICANT ORGANIZATION:

Name of Organization

Mailing Address (P.O. Box #, Street, City & State)

Zip Code

Street Address/Location (if different from mailing address)

County

Telephone #

(Name of Organization)

_____, the donee,

agrees that the program for or in connection with which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with all requirements imposed by or pursuant to the regulations of the General Services Administration (41 C.F.R. 101-6.2 and 101-8) issued under the provisions of Title VI of the Civil Rights Act of 1964, as amended, section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, section 303 of the Age Discrimination Act of 1975, and the Civil Rights Restoration Act of 1987, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees (1) that this agreement shall be subject in all respects to the provisions of said Federal statutes and regulations (2) that this agreement obligates the donee for the period during which it retains ownership or possession of the property, (3) that the United States shall have the right to seek judicial enforcement of this agreement, and (4) that this agreement shall be binding upon any successor in interest of the donee and word "donee" as used herein includes any such successor in interest.

(Date)

(Signature of Authorized Official)

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

RESOLUTION 98-12

WHEREAS, Article 1, Section 1 of the Constitution of the State of South Carolina provides that all political power is vested in and derived from the people, who shall have the right at all times to modify their form of government; and

WHEREAS, Section 4-9-10 (c) of the Code of Laws of South Carolina (1976), as amended, provides that the governing body of a County may call for a referendum to give the qualified electors an alternative to retain the existing form of County government or change to one other designated form of County government; and

WHEREAS, the Oconee County Council has determined that it is appropriate to call for such a referendum in conjunction with the November 1998 general election;

NOW THEREFORE, be it resolved by the Oconee County Council, in session, duly assembled, with a quorum present and voting, that a referendum shall be held in conjunction with the November 1998 general election in Oconee County so as to give the electors of Oconee County an alternative to retain the existing form of County government (Council-Supervisor) or to change to the Council-Administrator form of government as provided in Title 4, Article 7 of the South Carolina Code of Laws (1976), as amended.

Be it further resolved that the questions to be posed in such referendum shall be as follows:

"Are you in favor of Oconee County retaining its present form of government (Council-Supervisor), or are you in favor of the County adopting the Council-Administrator form of government?"

"IN FAVOR OF RETAINING THE PRESENT COUNCIL-SUPERVISOR FORM OF COUNTY GOVERNMENT"

"IN FAVOR OF CHANGING TO COUNCIL-ADMINISTRATOR FORM OF COUNTY GOVERNMENT"

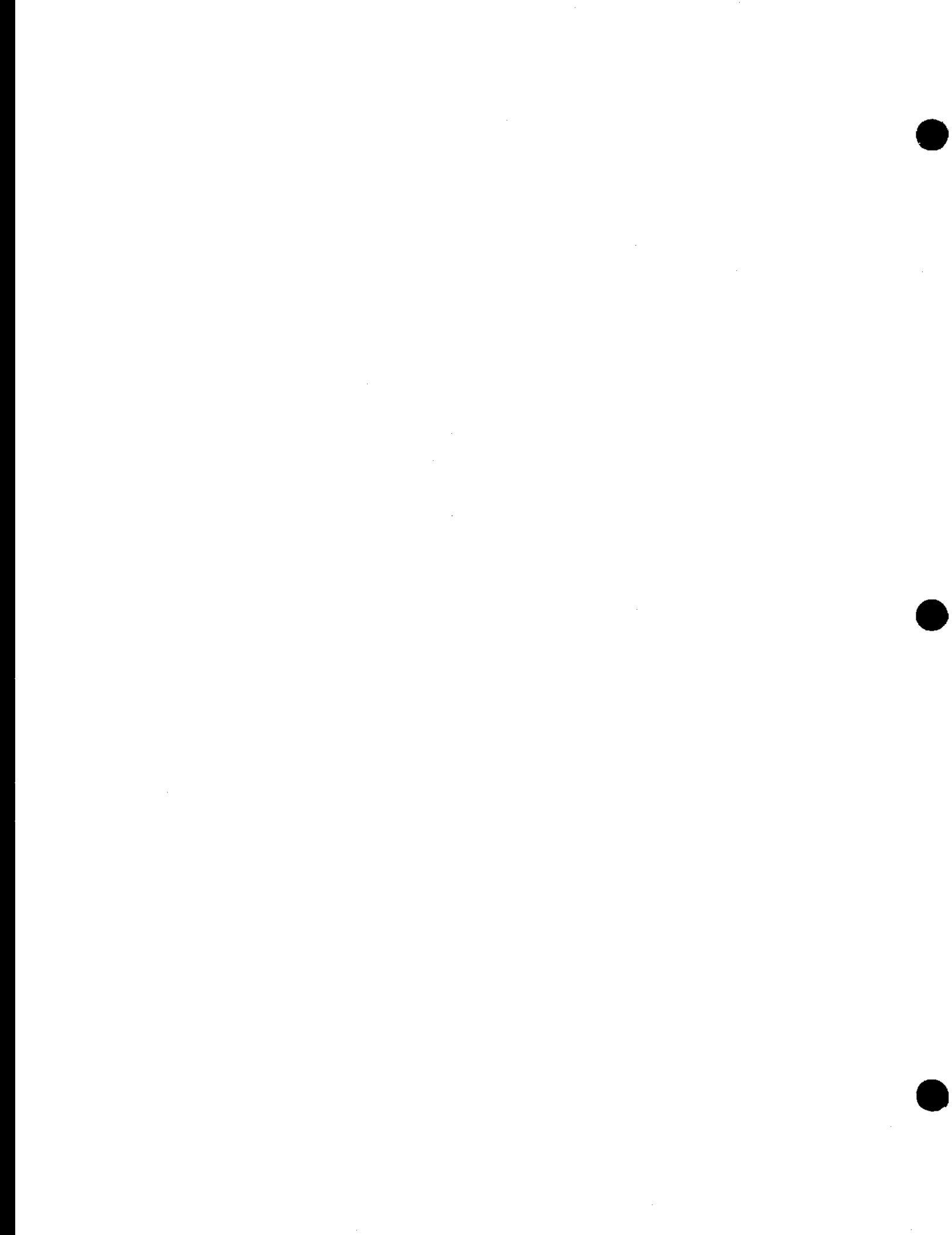
Be it further resolved that the Oconee County Voter Registration Election Commission shall take all steps necessary and appropriate to give effect to this Resolution.

Adopted on first and final reading this 21st day of July, 1998 by a vote of 5 Yes to 0 No.

HARRISON E. ORR
Harrison E. Orr
Supervisor-Chairman

ATTEST:

Opal O. Green
Opal O. Green
Council Clerk



DEFINITIONS

APPROVED - Recognition and approval by the State department of education, State department of health, or other appropriate authority where no recognized accrediting board, association, or other authority exists for the purpose of making an accreditation. For an educational institution or an educational program, approval must relate to academic or instructional standards established by the appropriate authority. An educational institution or program may be considered approved if its instruction and credits therefore are accepted by three accredited or State-approved institutions, or if it meets the academic or instructional standards prescribed for public schools in the State; i.e., the organizational entity or program is devoted primarily to approved academic, vocational (including technical or occupational), or professional study and instruction, which operates primarily for educational purposes on a full-time base for a minimum school year as prescribed by the State and employs a full-time staff of qualified instructors. For a public health institution or program, approval must relate to the medical requirements and standards for the professional and technical services of the institution established by the appropriate authority. A health institution or program may be considered as approved when a State body having authority under law to establish standards and requirements for public health institutions renders approval thereto whether by accreditation procedures or by licensing or such other method prescribed by State law. In the absence of an official State approving authority for public health institution or program or educational institution or program, the awarding of research grants to the institution or organization by a recognized authority such as the National Institutes of Health, the National Institute of Education, or by similar national advisory council or organization may constitute approval of the institution or program provided all other criteria are met.

Accredited - Approved by a recognized accrediting board of association, at a regional, State or national level such as a State board of education or health; the American Hospital Association; a regional or national accrediting association for universities, colleges, or secondary schools; or another recognized accrediting association.

Adult Day Care - A program of services provided under health leadership in an ambulatory care setting for adults who do not require 24 hour institutional care and yet, due to physical and/or mental impairment, are not capable of full-time independent living. Participants in the day care program are referred to the program by their attending physician or by some other appropriate source such as an institutional discharge planning program, a welfare agency, etc. The essential elements of a day care program are directed toward meeting the health maintenance and restorative needs of participants. However, there are socialization elements in the program which, by overcoming the isolation so often associated with illness in the aged and disabled, are considered vital for the purpose of fostering and maintaining the maximum possible state of health and well-being.

Child Care Center - A public or nonprofit facility where educational, social, health, and nutritional services are provided to children through age 14 or as prescribed by State law, and which is approved or licensed by the State or other appropriate authority as a child day care center or child care center.

Clinic - An approved public or nonprofit facility organized and operated for the primary purpose of providing outpatient public health services, including customary related services such as laboratories and treatment rooms.

College - An approved or accredited public or nonprofit institution of higher learning offering organized study courses and credits leading to a baccalaureate or higher degree.

Economic Development - A program(s) carried out or promoted by a public agency for public purposes which involves, directly or indirectly, efforts to improve the opportunities of a given political area for the successful establishment or expansion of industrial, commercial, or agricultural plants or facilities and which otherwise assists in the creation of long term employment opportunities in the area or primarily benefits the unemployed or those with low incomes. For public agency use may not act as a conduit for the transfer of property.

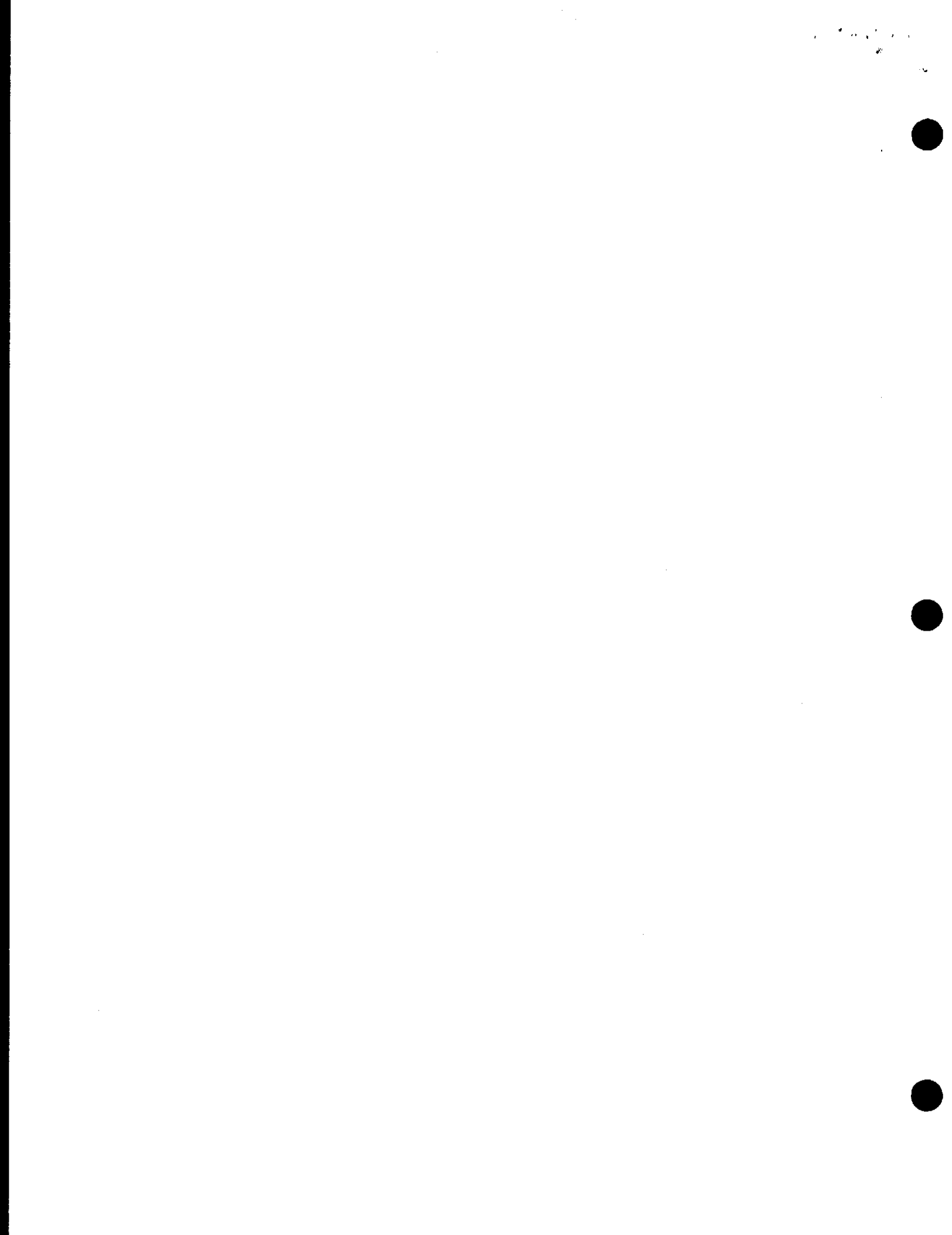
Educational Institution - An approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization conducting educational programs including research for any such programs, such as a child care center, school, college, university, school for the mentally retarded, school for the physically handicapped, or an educational radio or television station.

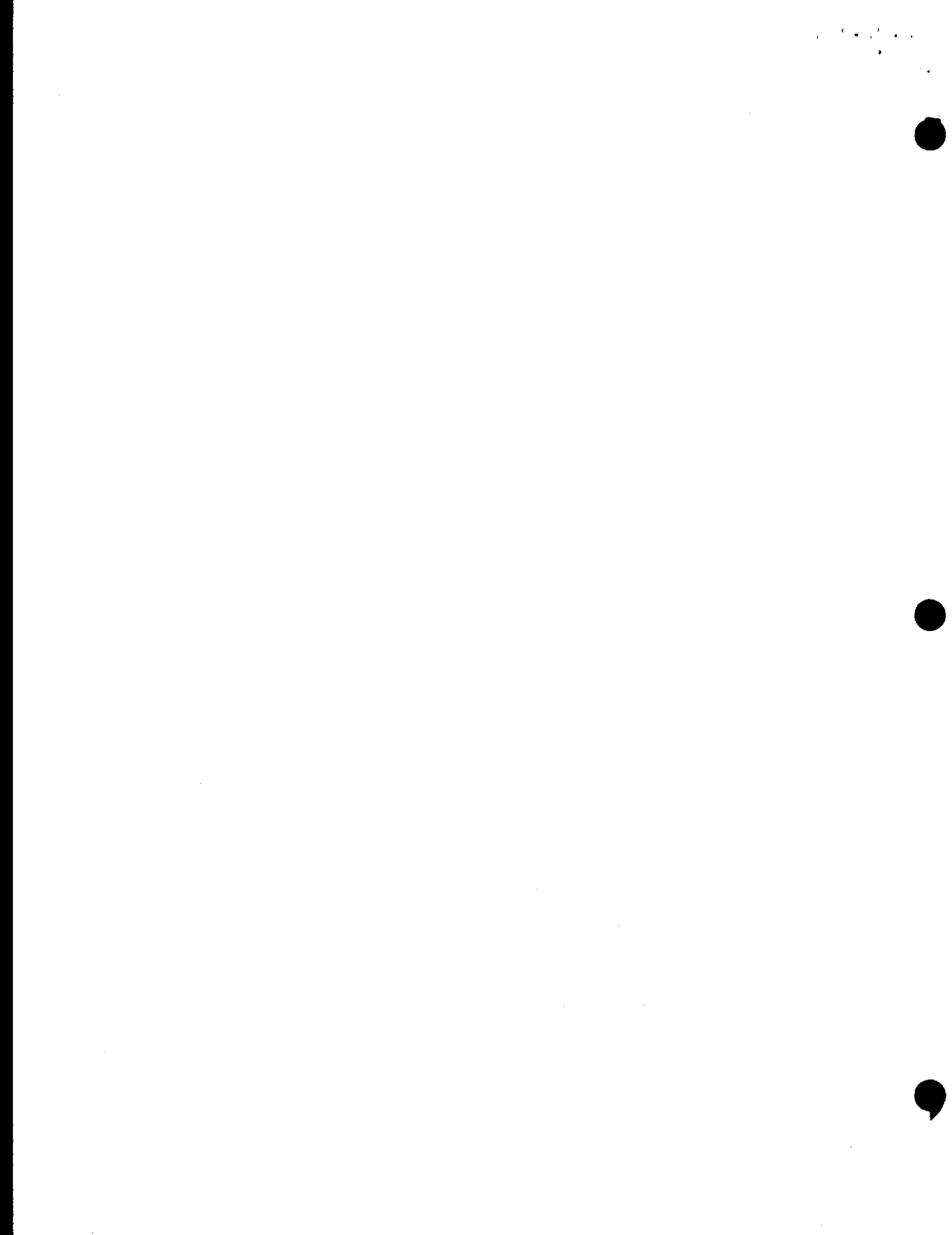
Educational Radio Station - A radio station licensed by the Federal Communications Commission and operated exclusively for non-commercial educational purposes and which is public or nonprofit and tax-exempt under section 501 of the Internal Revenue Code of 1954.

Educational Television Station - A television station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax-exempt under section 501 of the Internal Revenue Code of 1954.

Health Center - An approved public or nonprofit facility utilized by a health unit for the provision of public health services, including related facilities such as diagnostic and laboratory facilities and clinics.

Homeless Individual - An individual who lacks a fixed, regular and adequate nighttime residence or who has a primary nighttime residence that is: (1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (2) an institution that provides a temporary residence for individuals intended to be institutionalized; or (3) a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. For purposes of this regulation, the term does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law.





BE IT FURTHER RESOLVED, that _____
(Title of Official)

be authorized to act on behalf of the governing body of the Applicant in acquiring federal surplus property and so obligate said governing body to the aforementioned certifications and agreements, and that such person be authorized, at his discretion, to further delegate authority to any employee of the Applicant organization for the purpose of acquiring surplus property for use by the Applicant organization.

(President, Chm of the Bd, or Comparable Authorized Official)

(Address)

(City)

I, _____, hereby certify that I am the
(Name of Certifying Official)

_____, of the _____;
(Title of Certifying Official) (Title of Governing Body of Applicant)

and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote of a majority of the members of said Governing Body, present at a meeting on the _____ day of _____, 19____, at which time a quorum was present.

(Signature of Certifying Official)

(Date)